D.B. CIVIL SPECIAL APPEAL(W)NO.815/2007

Nasri
Vs.
Board of Revenue & Ors.

DATE OF ORDER :: 31-05-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Azad Ahmed, for the appellant.

This appeal is directed against the order of the learned Single Judge dated 10.5.2007 refusing to recall the earlier order dated 16.3.2007 by which the petition had been dismissed for non-prosecution.

In the ordinary course we would have issued notice but considering that the writ petition stood dismissed at the notice stage, before appearance of the respondent, we took up the matter for final disposal.

Being satisfied that the default of appearance was not deliberate, we set aside the order dated 10.5.2007 as also the earlier order dated 16.3.2007 and restore the writ petition to its original file.

The appeal stands disposed of.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen